

**IN THE MATTER OF THE *REAL ESTATE SERVICES ACT*  
S.B.C. 2004, c. 42  
AND**

**IN THE MATTER OF  
YANG YANG  
(165336)**

**CONSENT ORDER**

RESPONDENT: Yang Yang, Representative,  
Macdonald Realty Ltd. dba  
Macdonald Realty, while licensed  
with New World Realty Ltd.

DATE OF REVIEW MEETING: March 10, 2016

DATE OF CONSENT ORDER: April 14, 2016

CONSENT ORDER REVIEW COMMITTEE: M. Leslie  
S. Lynch  
D. Peerless, Chair  
C. Squires

ALSO PRESENT: R.O. Fawcett, Executive Officer  
G. Thiele, Director, Legal Services  
J. Gossen, Legal Counsel for the Real  
Estate Council

PROCEEDINGS:

On March 10, 2016, an Agreed Statement of Facts, Proposed Acceptance of Findings and Waiver (“ASF”) submitted by Yang Yang was considered by the Consent Order Review Committee (the “Committee”) and was rejected. On March 22, 2016, a revised ASF acceptable to the Committee was submitted by Mr. Yang.

**WHEREAS** the ASF, a copy of which is attached hereto, has been executed by Yang Yang and on behalf of the Council;

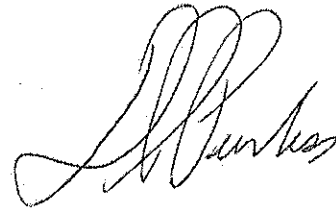
**NOW THEREFORE**, the Committee having made the findings proposed in the attached ASF, and in particular having found that Yang Yang committed professional misconduct within the meaning of section 35(1)(a) of the *Real Estate Services Act*, orders that:

1. Yang Yang's licence be suspended for forty-five (45) days;
2. Yang Yang, at his own expense, register for and successfully complete the Real Estate Trading Services Remedial Education Course, as provided by the Real Estate Division, Sauder School of Business at the University of British Columbia in the time period as directed by the Council;
3. Yang Yang pay enforcement expenses of this Consent Order to the Council in the amount of \$1,500.00 within sixty (60) days from the date of this Order.

If Yang Yang fails to comply with any term of this Order, the Council may suspend or cancel his licence without further notice to him, pursuant to sections 43(3) and 43(4) of the *Real Estate Services Act*.

Dated this 14th day of April, 2016 at the City of Vancouver, British Columbia.

ON BEHALF OF THE CONSENT ORDER REVIEW COMMITTEE



---

D. Peerless, Chair  
Consent Order Review Committee

Attch.

IN THE MATTER OF THE REAL ESTATE SERVICES ACT  
S.B.C. 2004, c. 42

IN THE MATTER OF

YANG YANG  
(165336)

AGREED STATEMENT OF FACTS,  
PROPOSED ACCEPTANCE OF FINDINGS AND WAIVER

---

The following agreement has been reached between Yang Yang ("Mr. Yang") and the Real Estate Council of British Columbia (the "Council").

- A. Mr. Yang hereby consents to an Order to be made pursuant to section 43 of the *Real Estate Services Act* that:
- a. he be suspended for forty-five (45) days;
  - b. that he successfully completes the Real Estate Trading Services Remedial Education Course as provided by the Real Estate Division, Sauder School of Business at the University of British Columbia within the time period directed by the Council;
  - c. he pay enforcement expenses pursuant to section 44 of the Act in the amount of \$1,500.00 within sixty (60) days from the date of the Consent Order; and
  - d. if he fails to comply with any of the terms of the Order as set out above, a Discipline Committee may suspend or cancel his licence without further notice to him pursuant to section 43(3) and 43(4) of the *Real Estate Services Act*.
- B. As a basis for this Order, the Council and Mr. Yang acknowledge and agree that the facts set forth herein are correct:
- 1. Mr. Yang was at all relevant times licensed as a representative with New World Realty Ltd.
  - 2. Mr. Yang's licensing history is as follows:

Brokerage	Licence Level	Licence Category	Start Date	End Date
Macdonald Realty Ltd.	Representative	Trading	16/09/2010	Present

**AGREED STATEMENT OF FACTS, PROPOSED ACCEPTANCE OF FINDINGS AND WAIVER**

Page 2

(X001949) Royal Pacific Realty Corp. (X024262)	Representative Trading	21/07/2014	16/09/2015
New World Realty Ltd. (X020632)	Representative Trading	17/10/2012	21/07/2014

3. On or about May 12, 2014 Ms. Kong listed XXXX Neville Street, Burnaby (the "Property") for sale.
4. On July 19, 2014 A.L. attended an open house for the Property and made an offer to purchase the Property with the following details:  
  
Price:  
\$1,357,000  
Deposit: \$70,000  
Completion: September 23, 2014  
The Seller has designated agency relationship with Kelly Kong of Royal Pacific Realty  
Subject to: Financing, Inspection Report, Title Search, Property Disclosure Statement and Insurance.
5. A.L. informed Ms. Kong that he did not have a real estate licensee representing him as he was hoping to negotiate a lower purchase price in lieu of the Seller having to pay a buyer's agent.
6. Ms. Kong states that that at the time of meeting A.L., she informed him that she would be acting for both him and the Seller. Ms. Kong states that she explained to A.L. that she would be adding Mr. Yang's name as the Buyer's agent so the Seller would not attempt to negotiate the commission payable.
7. A.L. states that Ms. Kong put her business partner, Mr. Yang, on the Contract of Purchase and Sale as the buyer's agent without his consent or knowledge. A.L. further states that he only dealt with Ms. Kong and that he never met Mr. Yang.
9. On July 31, 2014 all subjects were removed and on September 23, 2014 the transaction completed.
10. Mr. Yang states that he simply agreed to Ms. Kong inserting his name as the Buyer's agent as a favor to Ms. Kong without realizing the implications of doing so. Mr. Yang further states that he never met the buyer and did not know any of the details of the transaction.
11. Mr. Yang has no disciplinary history with the Council.

**AGREED STATEMENT OF FACTS, PROPOSED ACCEPTANCE OF FINDINGS AND WAIVER**

Page 3

C. Proposed Acceptance of Findings and Waiver

1. Based on the Agreed Statement of Facts herein, and without making any admission of liability, Yang Yang is prepared to accept the following findings if made against him by the Council's Consent Order Review Committee:
  - (a) That he committed professional misconduct within the meaning of sections 35(1) (c) and (d), in the sale of a property at 5XXX Neville Street, Burnaby, B.C., he acted in a deceptive manner and demonstrated incompetence when, having never met or spoken to the buyer, he:
    - (i) permitted his name to be recorded on the contract for the subject property indicating he had an agency relationship with the buyer and had prepared the contract when he did not have an agency relationship and had not prepared the contract;
    - (ii) permitted his name to be recorded on the Working with a Realtor® Brochure indicating he had an agency relationship with the buyer, when he did not;
    - (iii) purported to record the personal information of the buyer on the CREA Individual Identification Information Record Form dated July 28, 2014, when he had never met or spoken to the buyer;
    - (iv) mislead his brokerage as to its agency relationship with the buyer.
2. Mr. Yang hereby waives his right to appeal pursuant to section 54 of the *Real Estate Services Act*.
3. Mr. Yang acknowledges that he has been advised that he has the right to seek independent legal advice before signing this Agreed Statement of Facts, Proposed Acceptance of Findings and Waiver.
4. Mr. Yang acknowledges and is aware that the Council will publish the Consent Order and penalty herein in its Report from Council newsletter, on the Council's website, and on CanLII, a website for legal research.
5. Mr. Yang acknowledges and is aware that the Superintendent of Real Estate has the right, pursuant to section 54 of the *Real Estate Services Act*, to appeal any decision of the Council, including this Agreed Statement of Facts, Proposed Acceptance of Findings, and Waiver and Consent Order.

**AGREED STATEMENT OF FACTS, PROPOSED ACCEPTANCE OF FINDINGS AND WAIVER**

6. The Agreed Statement of Facts and Proposed Acceptance of Findings contained herein are made for the sole purpose of resolving a complaint being considered by the Council and for that purpose only. Such agreed statement of facts and proposed acceptance of findings cannot be used in any other proceeding of any kind.

  
\_\_\_\_\_  
Jessica S. Gossen, Legal Counsel  
Real Estate Council of British Columbia

  
\_\_\_\_\_  
Yang Yang

As to Part B only (Agreed Statement of Facts)

As to Parts A, B, C (proposed penalty, Agreed Statement of Facts, Proposed Acceptance of Findings and Waiver)

Dated 22 day of March, 2016

Dated 22<sup>th</sup> day of March, 2016